

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v.

03-CR-0034-A

NELSON ROJAS,

Defendant

PRELIMINARY ORDER OF FORFEITURE

IT IS HEREBY ORDERED that as a result of the Plea Agreement entered into between the defendant, Nelson Rojas, and the government on July 5, 2006, wherein the defendant agreed to an Order of Forfeiture, the defendant, Nelson Rojas, shall forfeit to the United States all his right, title and interest in:

The sum of **\$40,000 United States currency** which shall be paid by the defendant in lieu of his interest in the premises and real property known as 6193 SW 191 Avenue, Pembroke Pines, Florida pursuant to Title 21, United States Code, Section 853(a)(1).

NOW THEREFORE, pursuant to Federal Rule of Criminal Procedure Rule 32.2(b) and Title 21, United States Code, Sections 881 and 853(a)(1), and upon entry of this Preliminary Order of Forfeiture, this Preliminary Order of Forfeiture is now final as to the defendant and shall be made part of the sentence and included in

the judgment. If no third party files a timely claim, this Order shall become the Final Order of Forfeiture, as provided by Fed. R. Crim. P. 32.2(c) (2).

Upon the entry of this Order, the Attorney General, through the United States Attorney's Office, is authorized to commence any applicable proceeding to comply with the statutes governing third party rights, including giving notice of this Order.

The United States shall publish notice of the order and its intent to dispose of the property in such a manner as the Attorney General may direct. The United States may also, to the extent practicable, provide written notice to any person known to have an alleged interest in the subject property.

Any person, other than the above named defendant, asserting a legal interest in the subject property may, within thirty days of the final publication of notice or receipt of notice, whichever is earlier, petition the court for a hearing without a jury to adjudicate the validity of his alleged interest in the subject property, and for an amendment of the order of forfeiture, pursuant to 21 U.S.C. § 853(n) (6).

Any petition filed by a third party asserting an interest in the subject property shall be signed by the petitioner under

penalty of perjury and shall set forth the nature and extent of the petitioner's right, title or interest in the subject property, the time and circumstances of the petitioner's acquisition of the right, title or interest in the subject property, any additional facts supporting the petitioner's claim and the relief sought.

After the disposition of any motion filed under Fed. R. Crim. P. 32.2(c)(1)(A) and before a hearing on the petition, discovery may be conducted in accordance with the Federal Rules of Civil Procedure upon a showing that such discovery is necessary or desirable to resolve factual issues.

The United States shall have clear title to the subject property following the Court's disposition of all third party interests, or, if none, following the expiration of the period for filing third party petitions, as provided in 21 U.S.C. § 853(n)(2).

The Court shall retain jurisdiction to enforce this Order, and to amend it as necessary, pursuant to Fed. R. Crim. P. 32.2(e).

IT IS SO ORDERED.

/s/ Richard J. Arcara

HONORABLE RICHARD J. ARCARA
CHIEF JUDGE
UNITED STATES DISTRICT COURT

DATED: July 12 , 2006